

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SIGNATURE CONSULTANTS, INC.,
and JAY L. COHEN,

Plaintiffs,

v.

STEVEN DROOKER,

Defendant.

STEVEN DROOKER,

Counter-Plaintiff,

v.

SIGNATURE CONSULTANTS, INC.,
and JAY L. COHEN,

Counter-Defendants.

MBD No. _____

04 MBD 10357

**PLAINTIFFS' MOTION TO COMPEL DOCUMENT PRODUCTION
BY BEACON HILL STAFFING GROUP, LLC, AND ANDREW WANG**

Pursuant to Fed. R. Civ. P. 45(c)(2)(B), Plaintiffs Signature Consultants, Inc., and Jay L. Cohen (collectively, "Plaintiffs") hereby respectfully move this Honorable Court for an order compelling third-party witnesses Beacon Hill Staffing Group, LLC ("Beacon Hill") and Andrew Wang ("Wang"), Beacon Hill's Executive Officer, to produce all documents required under the subpoena duces tecum of November 11, 2004, served in connection with litigation in the Southern District of Florida between Plaintiffs and Defendant Steven Drooker ("Drooker").¹ See

¹ Signature Consultants, Inc. v. Drooker, Case No. 04-60464-CIV (S.D. Fla.). Plaintiffs filed a Motion to Amend the Complaint and First Amended Complaint on December 9, 2004. The First Amended Complaint would not alter the Complaint in any way relevant to the issues raised in this Motion to Compel Production.

Complaint attached as Exhibit A to the Memorandum in Support of Motion to Compel;
Subpoena to Beacon Hill attached as Exhibit B to the Memorandum in Support of Motion to
Compel; Subpoena to Wang attached as Exhibit C to the Memorandum in Support of Motion to
Compel.

Beacon Hill and Wang have served objections to items 7-8, 12, 20-22, 24-25, and 28 of
that subpoena duces tecum. *See* Objection attached as Exhibit D to the Memorandum in Support
of Motion to Compel. Nonetheless, Plaintiffs believe that the discovery they seek is warranted
and highly relevant to the matter pending in the Southern District of Florida. Attempts by
Plaintiffs' counsel to resolve this issue with James W. Stoll, Esq., attorney for Beacon Hill and
Wang, have been unsuccessful.

Beacon Hill and Wang are both residents of Massachusetts.² Accordingly, for the
reasons set forth in the accompanying memorandum of law, Plaintiffs respectfully request that
this Honorable Court enter an order compelling Beacon Hill and Wang to produce the documents
required in items 7-8, 12, 21-22, and 24-25 of that subpoena duces tecum.³

REQUEST FOR ORAL ARGUMENT

Plaintiffs respectfully request that this Court hold an oral argument on this motion.

² Under Fed. R. Civ. P. 45(c)(2)(B), an order compelling production pursuant to a subpoena duces tecum must be issued by "the court by which the subpoena was issued." The subpoena duces tecum at issue here was issued by this Honorable Court pursuant to Fed. R. Civ. P. 45(a)(2): "If separate from a subpoena commanding the attendance of a person, a subpoena for production or inspection shall issue from the court for the district in which the production or inspection is to be made."

³ In the interests of resolving this matter, Plaintiffs agree to withdraw their request for the documents requested in items 20 and 28 of the subpoena duces tecum.

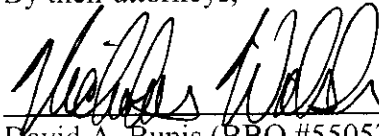
WHEREFORE Plaintiffs Signature Consultants, Inc. and Jay L. Cohen respectfully request that this Honorable Court grant this motion and issue an order compelling Beacon Hill Staffing Group, LLC and Andrew Wang to produce the documents required in items 7-8, 12, 21-22, and 24-25 of the subpoena duces tecum of November 11, 2004.

Dated: December 14, 2004

Respectfully Submitted,

SIGNATURE CONSULTANTS, INC.,
and JAY L. COHEN,

By their attorneys,



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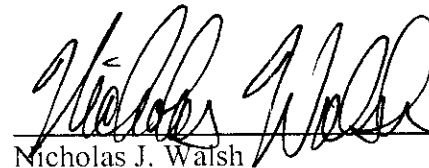
Miami, Florida 33131

305-371-6421

305-371-6322 (f)

RULE 7.1 CERTIFICATION


I, Nicholas J. Walsh, hereby certify pursuant to Local Rule 7.1(A)(2) that on December 6 and 7, 2004, counsel for the Plaintiffs conferred in a good faith attempt to resolve or narrow the issues raised with counsel for Defendants. Defendants have declined to consent to the relief requested in this Motion.



Nicholas J. Walsh

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the *Plaintiffs' Motion To Compel Document Production By Beacon Hill Staffing Group, LLC, And Andrew Wang* was sent via Hand Delivery this 14th day of December, 2004 to **James W. Stoll, Esq.**, Brown Rudnick Berlack Israels LLP, One Financial Center, Boston, Massachusetts 02111, and by First Class Mail, postage prepaid, to **Todd S. Payne, Esq.**, Zebersky & Payne, LLP, 4000 Hollywood Blvd., Suite 400 North, Hollywood, Florida 33021.



Nicholas J. Walsh